

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**NOTICE OF 30(b)(6) DEPOSITION OF THE DEPARTMENT
OF HUMAN SERVICES**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30 and 30(b)(6), Plaintiffs, by their undersigned attorneys, will take the deposition upon oral examination of the State of Mississippi, the Department of Human Services and the Division of Family and Children's Services, before a certified court reporter duly authorized to administer oaths. The deposition will be conducted at the offices of Bradley, Arant, Rose & White LLP, 188 East Capitol Street, Suite 450, Jackson, Mississippi 39201 on June 14, 2005, at 8:30 a.m. and thereafter from day to day as may be required.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants are required to designate one or more officers, directors, agents, or other persons who consent to testify on their behalf on the matters described in Exhibit A attached hereto.

RESPECTFULLY SUBMITTED, this, the 25th day of May, 2005.

/s Melody McAnally

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PLAINTIFFS' COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2005, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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/s Melody McAnally

EXHIBIT A

MATTERS ON WHICH TESTIMONY IS SOUGHT

1. Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services policies, practices, and procedures concerning the following:
 - a. The reporting and investigation of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of foster children while in custody;
 - b. Injuries and/or deaths of foster children while in custody and the investigation of same; and
 - c. Remedial actions, if any, after investigations of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in custody.
2. Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services policies, practices, and procedures concerning the creation and maintenance of files and records on individual children who are the subject of an allegation of abuse, neglect, corporal punishment, improper restraints, or other maltreatment while in custody.
3. The structure, organization, and responsibilities of the unit, if any, within the Division of Family and Children's Services responsible for following up on intakes classified as Special Investigations or other allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.
4. The job descriptions and minimum qualifications for the position of the employees who carry out Special Investigations or other investigations of allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.

5. Mississippi Department of Health and Human Services and/or Mississippi Division of Child and Family Services policy, practice, and procedure regarding the exchange of information concerning allegations of maltreatment of individual children in custody between Special Investigations and the following:
 - a. The child's County of Responsibility, including but not limited to the Social Worker assigned to the child and the Licensure Specialist with responsibility for the home or facility in which the alleged abuse, neglect, corporal punishment, improper restraint, or other maltreatment occurred;
 - b. The child's County of Service (if distinct from the County of Responsibility), including but not limited to the Social Worker assigned to the child and the Licensure Specialist with responsibility for the facility in which the alleged abuse, neglect, corporal punishment, improper restraint, or other maltreatment occurred;
 - c. The Regional Office for the child's County of Responsibility;
 - d. The Regional Office for the child's County of Service (if distinct from the County of Responsibility);
 - e. The Placement Unit;
 - f. The Protection Unit;
 - g. Any other division within the State Office of the Division of Children's and Family Services or the Mississippi Department of Human Services; and
 - h. The Governor's Office.
6. Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services sources and scope of aggregate data concerning the following:

- a. Allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of foster children while in custody;
 - b. Injuries and/or deaths of foster children while in custody;
 - c. Length of time involved in investigations into incidents described in Nos. 6(a) and 6(b);
 - d. Findings of investigations into incidents described in 6(a) or 6(b);
 - e. Remedial actions, if any, after investigations of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in custody.
7. The reporting of aggregate data described in No. 6 to any of the following:
 - a. The Protection Unit;
 - b. The Placement Unit;
 - c. Licensing Specialists;
 - d. The County Offices;
 - e. The Regional Offices;
 - f. The Mississippi Department of Human Services; and
 - g. The Governor's Office.
8. The contents of files and records of reports and investigations in which allegations were substantiated in each of the following categories:
 - a. Abuse of individual children in custody;
 - b. Neglect of individual children in custody;
 - c. Corporal punishment of individual children in custody;
 - d. Improper restraints of individual children in custody;
 - e. Injuries to individual children in custody; and

- f. Deaths of individual children in custody.
- 9. The contents of files and records of reports and investigations in which children were allegedly abused by any of the following:
 - a. Any employee of the Division of Family and Children's Services; and
 - b. Any employee of the Youth Court.
- 10. The identity and qualifications of the individuals currently employed to carry out Special Investigations or other investigations of allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.